

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

# HOUSE BILL 2780

AN ACT

AMENDING SECTIONS 32-3253, 32-3254, 32-3272, 32-3274, 32-3281, 32-3282 AND 41-1376, ARIZONA REVISED STATUTES; RELATING TO THE BOARD OF BEHAVIORAL HEALTH EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-3253, Arizona Revised Statutes, is amended to  
3 read:

4 32-3253. Powers and duties

5 A. The board shall:

6 1. Adopt rules consistent with and necessary or proper to carry out  
7 the purposes of this chapter.

8 2. Administer and enforce this chapter, rules adopted pursuant to this  
9 chapter and orders of the board.

10 3. Issue a license by examination, reciprocity or temporary  
11 recognition to, and renew the license of, each person who is qualified to be  
12 licensed pursuant to this chapter. THE BOARD MUST ISSUE OR DENY A LICENSE  
13 WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE APPLICANT SUBMITS A COMPLETED  
14 APPLICATION.

15 4. Establish a licensure fee schedule annually, by a formal vote at a  
16 regular board meeting.

17 5. Collect fees and spend monies.

18 6. Keep a record of all persons licensed pursuant to this chapter,  
19 actions taken on all applications for licensure, actions involving renewal,  
20 suspension, revocation or denial of a license or probation of licensees and  
21 the receipt and disbursement of monies.

22 7. Adopt an official seal for attestation of licensure and other  
23 official papers and documents.

24 8. Employ temporary or permanent personnel as it deems necessary.

25 9. Conduct investigations and determine on its own motion if a  
26 licensee or an applicant has engaged in unprofessional conduct, is  
27 incompetent or is mentally or physically unable to engage in the practice of  
28 behavioral health.

29 10. Conduct disciplinary actions pursuant to this chapter and board  
30 rules.

31 11. Establish and enforce standards or criteria of programs or other  
32 mechanisms to ensure the continuing competence of licensees.

33 12. Establish and enforce compliance with professional standards and  
34 rules of conduct for licensees.

35 13. Engage in a full exchange of information with the licensing and  
36 disciplinary boards and professional associations for behavioral health  
37 professionals in this state and other jurisdictions.

38 B. The board may join professional organizations and associations  
39 organized exclusively to promote the improvement of the standards of the  
40 practice of behavioral health, protect the health and welfare of the public  
41 or assist and facilitate the work of the board.

42 Sec. 2. Section 32-3254, Arizona Revised Statutes, is amended to read:

43 32-3254. Board of behavioral health examiners fund; subaccount

44 A. A board of behavioral health examiners fund is established.  
45 Pursuant to sections 35-146 and 35-147, the board shall deposit ten per cent

1 of all monies received by the board PURSUANT TO SECTION 32-3272, SUBSECTIONS  
2 A AND B in the state general fund and deposit the remaining ninety per cent  
3 in the board of behavioral health examiners fund.

4 B. THE BOARD SHALL DEPOSIT ALL MONIES COLLECTED PURSUANT TO SECTION  
5 32-3272, SUBSECTION C IN THE BOARD OF BEHAVIORAL HEALTH EXAMINERS FUND. THE  
6 BOARD SHALL SEPARATELY ACCOUNT FOR THESE MONIES IN A SUBACCOUNT OF THAT FUND.

7 ~~B.~~ C. All monies deposited in the board of behavioral health  
8 examiners fund are subject to section 35-143.01.

9 Sec. 3. Section 32-3272, Arizona Revised Statutes, is amended to read:  
10 32-3272. Fees

11 A. The board shall establish and charge reasonable fees of not to  
12 exceed two hundred fifty dollars for issuance and renewal of a license issued  
13 pursuant to this chapter.

14 B. The board shall establish fees to produce monies that approximate  
15 the cost of maintaining the board and the credentialing committees.

16 C. THE BOARD BY RULE MAY ESTABLISH A FEE RELATING TO THE DUTIES OF THE  
17 OMBUDSMAN-CITIZENS AIDE PRESCRIBED IN SECTION 41-1376, SUBSECTION A,  
18 PARAGRAPH 8.

19 Sec. 4. Section 32-3274, Arizona Revised Statutes, is amended to read:  
20 32-3274. Reciprocity

21 A. The board may issue a license to a person in that person's  
22 particular behavioral health profession if the person is licensed or  
23 certified by another state regulatory agency at an equivalent or higher  
24 practice level as determined by the board, pays the fee prescribed by the  
25 board and meets all of the following requirements:

26 1. Submits a written application prescribed by the board.  
27 2. Is of good moral character. The board's standard to determine good  
28 moral character shall not violate federal discrimination laws.

29 3. Documents to the board's satisfaction proof of initial licensure or  
30 certification at an equivalent designation for which the applicant is seeking  
31 licensure in this state and proof that the license or certificate is current  
32 and in good standing.

33 4. Documents to the board's satisfaction proof that any other license  
34 or certificate issued to the applicant by another state has not been  
35 suspended or revoked. If a licensee or certificate holder has been subjected  
36 to any other disciplinary action, the board may assess the magnitude of that  
37 action and make a decision regarding reciprocity based on this assessment.

38 5. Meets any other requirements prescribed by the board.

39 B. IF AN APPLICANT MEETS THE RECIPROCITY REQUIREMENTS OF THIS SECTION  
40 AND AS PRESCRIBED BY THE BOARD PURSUANT TO THIS SECTION, AND WHOSE  
41 QUALIFICATIONS DO NOT SUBSTANTIALLY MEET THE CURRENT REQUIREMENTS FOR  
42 LICENSURE, THE BOARD MUST PROVIDE THE APPLICANT WITH A CORRECTIVE PLAN THAT  
43 OUTLINES WHAT DEFICIENCIES THE APPLICANT MUST CORRECT. THE BOARD MAY ISSUE A  
44 PROVISIONAL LICENSE TO THE APPLICANT OF NOT MORE THAN ONE YEAR TO ALLOW THE  
45 APPLICANT TIME TO CURE THE DEFICIENCIES IN THE APPLICATION FOR RECIPROCITY.

1 THE BOARD MAY RENEW A PROVISIONAL LICENSE ISSUED PURSUANT TO THIS SUBSECTION  
2 ONE TIME. A PERSON ISSUED A PROVISIONAL LICENSE MUST PRACTICE UNDER THE  
3 SUPERVISION OF A PERSON WHO HOLDS AN UNRESTRICTED LICENSE ISSUED PURSUANT TO  
4 THIS CHAPTER AND WHO PRACTICES THE SAME BEHAVIORAL HEALTH PROFESSION AS THE  
5 APPLICANT IN ANY SETTING PROVIDED THAT THE SUPERVISOR DEMONSTRATES IMMEDIATE  
6 RESPONSIBILITY AND OVERSIGHT OF THE APPLICANT FOR ALL CLIENT CONTACT.

7 Sec. 5. Section 32-3281, Arizona Revised Statutes, is amended to read:  
8 32-3281. Disciplinary action; hearings; civil penalty

9 A. A credentialing committee, on its own motion or on a complaint, may  
10 investigate any evidence that appears to show that a licensee is or may be  
11 incompetent, is or may be guilty of unprofessional conduct or is or may be  
12 mentally or physically unable to safely engage in the practice of behavioral  
13 health. As part of its investigation, a credentialing committee may hold an  
14 investigational meeting pursuant to this chapter. Any person may, and a  
15 licensee and any entity licensed by the office of behavioral health licensure  
16 shall, report to the board any information that would cause a reasonable  
17 licensee to believe that another licensee is guilty of unprofessional conduct  
18 or is physically or mentally unable to provide behavioral health services  
19 competently or safely. Any person or entity that reports or provides  
20 information to the board in good faith is not subject to an action for civil  
21 damages. It is an act of unprofessional conduct for any licensee to fail to  
22 report as required by this section. The board shall report to the office of  
23 behavioral health licensure in the department of health services any entity  
24 licensed by the office of behavioral health licensure that fails to report as  
25 required by this section.

26 B. A credentialing committee shall require any combination of mental,  
27 physical or oral or written competency examinations, at the licensee's own  
28 expense, and conduct necessary investigations, including investigational  
29 interviews between representatives of the board and the licensee, to fully  
30 inform itself with respect to any information filed with the board under  
31 subsection A of this section. These examinations may include biological  
32 fluid testing. The credentialing committee may require the licensee, at the  
33 licensee's expense, to undergo assessment by a rehabilitative, retraining or  
34 assessment program approved by the credentialing committee.

35 C. If the board finds, based on the information received pursuant to  
36 subsection A or B of this section, that the public health, safety or welfare  
37 imperatively requires emergency action, and incorporates a finding to that  
38 effect in its order, the board may restrict, limit or order a summary  
39 suspension of a license pending proceedings for revocation or other action.  
40 If the board takes action pursuant to this subsection, it must also serve the  
41 licensee with a written notice that states the charges and that the licensee  
42 is entitled to a formal hearing before the board or an administrative law  
43 judge within sixty days.

44 D. If after completing an investigational meeting the credentialing  
45 committee finds that the information provided is not of sufficient

1 seriousness to merit disciplinary action against the licensee, the  
2 credentialing committee shall recommend either of the following actions to  
3 the board:

4 1. Dismiss if, in the opinion of the credentialing committee, the  
5 complaint is without merit.

6 2. File a letter of concern and dismiss the complaint.

7 E. If after completing its investigation the credentialing committee  
8 believes that the information is or may be true, the credentialing committee  
9 ~~can~~ MAY recommend that the board enter into a consent agreement with the  
10 licensee to limit or restrict the licensee's practice or to rehabilitate the  
11 licensee, protect the public and ensure the licensee's ability to safely  
12 engage in the practice of behavioral health. A consent agreement may also  
13 require the licensee to successfully complete a board approved  
14 rehabilitative, retraining or assessment program.

15 F. If on receipt of a credentialing committee's recommendation the  
16 board finds that the information provided pursuant to subsection A of this  
17 section is not of sufficient seriousness to merit direct action against the  
18 licensee, the board may take either of the following actions:

19 1. Dismiss if, in the opinion of the board, the complaint is without  
20 merit.

21 2. File a letter of concern and dismiss the complaint. The licensee  
22 may file a written response with the board within thirty days after the  
23 licensee receives the letter of concern.

24 G. If on receipt of a credentialing committee's recommendation the  
25 board finds that the information provided pursuant to subsection A of this  
26 section is or may be true, the board may enter into an agreement with the  
27 licensee to limit or restrict the licensee's practice or to rehabilitate the  
28 licensee, protect the public and ensure the licensee's ability to safely  
29 engage in the practice of behavioral health. The board may also require the  
30 licensee to successfully complete a board approved rehabilitative, retraining  
31 or assessment program.

32 H. If on receipt of a credentialing committee's recommendation the  
33 board finds that the information provided pursuant to subsection A of this  
34 section is or may be true, the board may request a formal interview with the  
35 licensee. If the licensee refuses the invitation for a formal interview or  
36 accepts and the results indicate that grounds may exist for revocation or  
37 suspension of the licensee's license for more than twelve months, the board  
38 shall issue a formal complaint and order that a hearing be held pursuant to  
39 title 41, chapter 6, article 10. If after completing a formal interview the  
40 board finds that the protection of the public requires emergency action, the  
41 board may order a summary suspension of the licensee's license pending formal  
42 revocation proceedings or other action authorized by this section.

43 I. If after completing the formal interview the board finds the  
44 information provided is not of sufficient seriousness to merit suspension for

1 more than twelve months or revocation of the license, the board may take the  
2 following actions:

3 1. Dismiss if, in the opinion of the board, the information is without  
4 merit.

5 2. File a letter of concern and dismiss the complaint. The licensee  
6 may file a written response with the board within thirty days after the  
7 licensee receives the letter of concern.

8 3. Issue a decree of censure. A decree of censure is an official  
9 action against the licensee's license and may include a requirement for  
10 restitution of fees to a client resulting from violations of this chapter or  
11 rules adopted pursuant to this chapter.

12 4. Fix a period and terms of probation best adapted to protect the  
13 public health and safety and rehabilitate or educate the licensee concerned.  
14 Probation may include temporary suspension not to exceed twelve months,  
15 restriction of the licensee's license to practice behavioral health, a  
16 requirement for restitution of fees to a client or education or  
17 rehabilitation at the licensee's own expense. If a licensee fails to comply  
18 with the terms of probation, the board shall serve the licensee with a  
19 written notice that states that the licensee is subject to a formal hearing  
20 based on the information considered by the board at the formal interview and  
21 any other acts or conduct alleged to be in violation of this chapter or rules  
22 adopted by the board pursuant to this chapter, including noncompliance with  
23 the terms of probation or a consent agreement.

24 J. If the board finds that the information provided in subsection A or  
25 H of this section warrants suspension or revocation of a license issued under  
26 this chapter, the board shall initiate formal proceedings pursuant to title  
27 41, chapter 6, article 10.

28 K. In a formal interview pursuant to subsection H of this section or  
29 in a hearing pursuant to subsection J of this section, the board in addition  
30 to any other action may impose a civil penalty not to exceed one thousand  
31 dollars for each violation of this chapter or a rule adopted under this  
32 chapter.

33 L. A letter of concern is a public document.

34 M. A licensee who after a formal hearing is found by the board to be  
35 guilty of unprofessional conduct, to be mentally or physically unable to  
36 safely engage in the practice of behavioral health or to be professionally  
37 incompetent is subject to censure, probation as provided in this section,  
38 suspension of license or revocation of license or any combination of these,  
39 including a stay of action, and for a period of time or permanently and under  
40 conditions as the board deems appropriate for the protection of the public  
41 health and safety and just in the circumstance. The board may charge all  
42 costs incurred in the course of the investigation and formal hearing to the  
43 licensee it finds is in violation of this chapter. The board shall deposit,  
44 pursuant to sections 35-146 and 35-147, monies collected pursuant to this

1 subsection in the board of behavioral health examiners fund established by  
2 section 32-3254.

3 N. If the board during the course of any investigation determines that  
4 a criminal violation may have occurred involving the delivery of behavioral  
5 health services, the board shall make the evidence of violations available to  
6 the appropriate criminal justice agency for its consideration.

7 O. The board shall deposit, pursuant to sections 35-146 and 35-147,  
8 all monies collected from civil penalties paid pursuant to this chapter in  
9 the state general fund.

10 P. Notice of a complaint and hearing is effective by a true copy of  
11 the notice being sent by certified mail to the licensee's last known address  
12 of record in the board's files. Notice of the complaint and hearing is  
13 complete on the date of its deposit in the mail.

14 Q. In determining the appropriate disciplinary action under this  
15 section, the board shall consider all previous nondisciplinary and  
16 disciplinary actions against a licensee.

17 R. The board may defer action with regard to an impaired licensee who  
18 voluntarily signs an agreement, in a form satisfactory to the board, agreeing  
19 to practice restrictions and treatment and monitoring programs deemed  
20 necessary by the board to protect the public health and safety. A licensee  
21 who is impaired and who does not agree to enter into an agreement with the  
22 board is subject to other action as provided pursuant to this chapter.

23 S. Subject to an order duly entered by the board, a person whose  
24 license to practice behavioral health has been suspended or restricted  
25 pursuant to this chapter, whether voluntarily or by action of the board, may  
26 at reasonable intervals apply to the board for reinstatement of the license.  
27 The person shall submit the application in writing and in the form prescribed  
28 by the board. After conducting an investigation and hearing, the board may  
29 grant or deny the application or modify the original finding to reflect any  
30 circumstances that have changed sufficiently to warrant modification. The  
31 board may require the applicant to pass an examination, ~~OR~~ complete board  
32 imposed continuing education requirements or MAY IMPOSE any other sanctions  
33 the board deems appropriate for reentry into the practice of behavioral  
34 health.

35 T. A person whose license is revoked, suspended or not renewed must  
36 return the license to the offices of the board within ten days after notice  
37 of that action.

38 U. The board may enforce a civil penalty imposed pursuant to this  
39 section in the superior court in Maricopa county.

40 V. THE CHAIRMAN OF THE BOARD SHALL APPOINT A COMPLAINT SCREENING  
41 COMMITTEE OF NOT LESS THAN THREE MEMBERS OF THE BOARD INCLUDING A PUBLIC  
42 MEMBER. THE COMPLAINT SCREENING COMMITTEE IS SUBJECT TO OPEN MEETING  
43 REQUIREMENTS PURSUANT TO TITLE 38, CHAPTER 3, ARTICLE 3.1. THE COMPLAINT  
44 SCREENING COMMITTEE SHALL REVIEW ALL COMPLAINTS AND BASED ON THE INFORMATION

1 PROVIDED THE COMPLAINT SCREENING COMMITTEE MAY TAKE EITHER OF THE FOLLOWING  
2 ACTIONS:

3 1. DISMISS THE COMPLAINT IF THE COMMITTEE DETERMINES THAT THE  
4 COMPLAINT IS WITHOUT MERIT. COMPLAINTS DISMISSED BY THE COMPLAINT SCREENING  
5 COMMITTEE SHALL NOT BE DISCLOSED IN RESPONSE TO A TELEPHONE INQUIRY OR PLACED  
6 ON THE BOARD'S WEBSITE.

7 2. REFER THE COMPLAINT TO THE CREDENTIALING COMMITTEE FOR FURTHER  
8 REVIEW AND ACTION.

9 W. FOR COMPLAINTS BEING BROUGHT BEFORE A COMPLAINT SCREENING  
10 COMMITTEE, A CREDENTIALING COMMITTEE OR THE FULL BOARD, THE INFORMATION  
11 RELEASED TO THE PUBLIC REGARDING AN ONGOING INVESTIGATION MUST CLEARLY  
12 INDICATE THAT THE INVESTIGATION IS A PENDING COMPLAINT AND MUST INCLUDE THE  
13 FOLLOWING STATEMENT:

14 PENDING COMPLAINTS REPRESENT UNPROVEN ALLEGATIONS. ON  
15 INVESTIGATION, MANY COMPLAINTS ARE FOUND TO BE WITHOUT MERIT AND  
16 ARE DISMISSED.

17 Sec. 6. Section 32-3282, Arizona Revised Statutes, is amended to read:

18 32-3282. Right to examine and copy evidence; summoning  
19 witnesses and documents; taking testimony; right to  
20 counsel

21 A. In connection with information received pursuant to section  
22 32-3281, subsection A, the board or a credentialing committee or the board's  
23 or committee's authorized agents or employees at all reasonable times ~~shall~~  
24 have access to, for the purpose of examination, and the right to copy any  
25 psychotherapy notes, documents, reports, records or other physical evidence  
26 of any person being investigated, or the reports, records and any other  
27 documents maintained by and in possession of any hospital, clinic,  
28 physician's office, laboratory, pharmacy or health care institution as  
29 defined in section 36-401 or any other public or private agency, if the  
30 psychotherapy notes, documents, reports, records or evidence relate to the  
31 ~~unauthorized practice of behavioral health or to the competence,~~  
32 ~~unprofessional conduct or mental or physical ability of a licensee to safely~~  
33 ~~practice~~ SPECIFIC COMPLAINT.

34 B. For the purpose of all investigations and proceedings conducted by  
35 a credentialing committee:

36 1. The board or a credentialing committee on its own initiative may  
37 issue subpoenas compelling the attendance and testimony of witnesses or  
38 demanding the production for examination or copying of documents or any other  
39 physical evidence if the evidence relates to the unauthorized practice of  
40 behavioral health or to the competence, unprofessional conduct or mental or  
41 physical ability of a licensee to safely practice. Within five days after  
42 the service of a subpoena on any person requiring the production of any  
43 evidence in that person's possession or under that person's control, the  
44 person may petition the board or the credentialing committee to revoke, limit  
45 or modify the subpoena. The board or the credentialing committee shall



1 revoke, limit or modify a subpoena if in its opinion the evidence required  
2 does not relate to unlawful practices covered by this chapter or is not  
3 relevant to the charge that is the subject matter of the hearing or  
4 investigation or the subpoena does not describe with sufficient particularity  
5 the physical evidence required to be produced. Any member of the board or a  
6 credentialing committee and any agent designated by the board may administer  
7 oaths, examine witnesses and receive evidence.

8 2. Any person appearing before the board or a credentialing committee  
9 may be represented by counsel.

10 3. The superior court, on application by the board or a credentialing  
11 committee or by the person subpoenaed, has jurisdiction to issue an order  
12 either:

13 (a) Requiring the person to appear before the board or a credentialing  
14 committee or the authorized agent to produce evidence relating to the matter  
15 under investigation.

16 (b) Revoking, limiting or modifying the subpoena if in the court's  
17 opinion the evidence demanded does not relate to unlawful practices covered  
18 by this chapter or is not relevant to grounds for disciplinary action that  
19 are the subject matter of the hearing or investigation or the subpoena does  
20 not describe with sufficient particularity the physical evidence required to  
21 be produced. Any failure to obey an order of the court may be punished by  
22 the court as contempt.

23 C. Records, including clinical records, reports, files or other  
24 reports or oral statements relating to examinations, findings or treatments  
25 of clients, any information from which a client or the client's family might  
26 be identified or information received and records kept by the board or a  
27 credentialing committee as a result of the investigation procedure prescribed  
28 by this chapter are not available to the public.

29 D. This section and any other law that makes communications between a  
30 licensee and the licensee's client a privileged communication ~~does~~ DO not  
31 apply to investigations or proceedings conducted pursuant to this chapter.  
32 The board and a credentialing committee and the board's and committee's  
33 employees, agents and representatives shall keep in confidence the names of  
34 any clients whose records are reviewed during the course of investigations  
35 and proceedings pursuant to this chapter.

36 Sec. 7. Section 41-1376, Arizona Revised Statutes, is amended to read:  
37 41-1376. Powers and duties

38 A. The ombudsman-citizens aide shall:

39 1. Investigate the administrative acts of agencies pursuant to section  
40 41-1377, subsections A and B except as provided in section 41-1377,  
41 subsections C, D and E. The ombudsman-citizens aide shall investigate the  
42 administrative acts of an agency without regard to the finality of the  
43 administrative act.

44 2. Annually before January 1 prepare a written report to the governor,  
45 the legislature and the public that contains a summary of the

1 ombudsman-citizens aide's activities during the previous fiscal year. The  
2 ombudsman-citizens aide shall semiannually present this report before the  
3 legislative council. This report shall include:

- 4 (a) The ombudsman-citizens aide's mission statement.
- 5 (b) The number of matters that were within each of the categories  
6 specified in section 41-1379, subsection B.
- 7 (c) Legislative issues affecting the ombudsman-citizens aide.
- 8 (d) Selected case studies that illustrate the ombudsman-citizens  
9 aide's work and reasons for complaints.
- 10 (e) Ombudsman-citizens aide's contact statistics.
- 11 (f) Ombudsman-citizens aide's staff.

12 3. Before conducting the first investigation, adopt rules that ensure  
13 that confidential information that is gathered will not be disclosed.

14 4. Appoint a deputy ombudsman and prescribe the duties of employees  
15 or, subject to appropriation, contract for the services of independent  
16 contractors necessary to administer the duties of the office of  
17 ombudsman-citizens aide. All staff serves at the pleasure of the  
18 ombudsman-citizens aide, and they are exempt from chapter 4, articles 5 and 6  
19 of this title. All staff shall be subject to the conflict of interest  
20 provisions of title 38, chapter 3, article 8.

21 5. Before conducting the first investigation, adopt rules that  
22 establish procedures for receiving and processing complaints, including  
23 guidelines to ensure each complainant has exhausted all reasonable  
24 alternatives within the agency, conducting investigations, incorporating  
25 agency responses into recommendations and reporting findings.

26 6. Notify the chief executive or administrative officer of the agency  
27 in writing of the intention to investigate unless notification would unduly  
28 hinder the investigation or make the investigation ineffectual.

29 ~~7. Appoint an assistant to help the ombudsman citizens aide~~  
30 ~~investigate complaints relating to child protective services in the~~  
31 ~~department of economic security. The assistant shall have expertise in child~~  
32 ~~protective services procedures and laws. Notwithstanding any law to the~~  
33 ~~contrary, the ombudsman citizens aide and the assistant have access to child~~  
34 ~~protective services records and to any automated case management system used~~  
35 ~~by child protective services in the department of economic security.~~

36 7. SUBJECT TO THE AVAILABILITY OF SUFFICIENT MONIES DEPOSITED PURSUANT  
37 TO SECTION 32-3254, SUBSECTION B, ASSIST APPLICANTS AND LICENSEES TO RESOLVE  
38 CONFLICTS WITH THE BOARD OF BEHAVIORAL HEALTH EXAMINERS REGARDING  
39 APPLICATIONS FOR INITIAL LICENSURE, LICENSE RENEWAL AND BOARD INVESTIGATIONS.  
40 THE OMBUDSMAN-CITIZENS AIDE SHALL INCLUDE STATISTICS REGARDING THE NUMBER OF  
41 CASES PROCESSED PURSUANT TO THIS PARAGRAPH IN THE ANNUAL REPORT PREPARED  
42 PURSUANT TO THIS SUBSECTION. THE REPORT SHALL ALSO INCLUDE ANY  
43 RECOMMENDATIONS FOR LEGISLATIVE OR ADMINISTRATIVE CHANGES TO IMPROVE THE  
44 EFFICIENCY OF THE LICENSURE PROCESS.

1           B. After the conclusion of an investigation and notice to the head of  
2 the agency pursuant to section 41-1379, the ombudsman-citizens aide may  
3 present the ombudsman-citizens aide's opinion and recommendations to the  
4 governor, the legislature, the office of the appropriate prosecutor or the  
5 public, or any combination of these persons. The ombudsman-citizens aide  
6 shall include in the opinion the reply of the agency, including those issues  
7 that were resolved as a result of the ombudsman-citizens aide's preliminary  
8 opinion or recommendation.

9           Sec. 8. Behavioral health professionals; grandfather provisions

10          A. Beginning on the effective date of this act and ending on July 1,  
11 2007, the board of behavioral health examiners shall waive the examination  
12 requirements of title 32, chapter 33, Arizona Revised Statutes, for an  
13 applicant requesting licensure as a licensed baccalaureate social worker,  
14 licensed master social worker, licensed clinical social worker, licensed  
15 associate counselor, licensed professional counselor, licensed associate  
16 marriage and family therapist, licensed marriage and family therapist or  
17 licensed independent substance abuse counselor if the applicant meets all of  
18 the following requirements:

19           1. Submits evidence satisfactory to the appropriate credentialing  
20 committee that the applicant met all requirements of certification that were  
21 in effect before July 1, 2004.

22           2. Had been actively engaged in the practice of the behavioral health  
23 profession for which the applicant is seeking licensure before July 1, 2004  
24 and has work experience that includes two years of full time or the  
25 equivalent part time experience within a five year period.

26           3. Has obtained all of the required work experience in this state.

27           4. Has received the degree required for the level of certification  
28 sought on or before June 30, 1998.

29           5. Pays the prescribed fee pursuant to title 32, chapter 33, Arizona  
30 Revised Statutes.

31           6. Submits a completed application to the board on or before July 1,  
32 2007.

33          B. For those applicants applying for licenses that require supervised  
34 work experience hours and clinical supervision hours, the applicant must  
35 either submit the appropriate completed board forms or other documentation  
36 establishing that the applicant has obtained the required supervised work  
37 experience hours and clinical supervision hours. This section also applies  
38 to all applicants that were denied licensure on or before July 1, 2004.

39           Sec. 9. Reciprocity

40          For the purposes of determining if an applicant meets the reciprocity  
41 requirements of section 32-3274, Arizona Revised Statutes, and rules adopted  
42 by the board of behavioral health examiners relating to reciprocity, the  
43 board must consider the applicant's educational, supervised work experience  
44 and clinical supervision equivalencies.